

FOR MYSORE STATE

Development

(195₃) Department.

M.S.

SERIES.

G.O. No. 703

Dated 14-2-53

[Despatch Abstract.]

Acts - Workmen's Compensation Act, 1923 - Schedule III

Addition of 'Silicosis' - Notified.

- 1 -

Government of Madras
Abstract.

SUBJECT :- ACTS - Workmen's Compensation Act, 1923 - Schedule
III - Addition of 'Silicosis' - Notified.

Development Department.

G.O.Ms.No.793

Dated 14th February 1953
Read the following:-

From the Govt. of India, Ministry of Labour letter No.
SS.152(14) dated 28-4-52.
From the Commissioner Workmen's Compensation letter No.
C3.29346/52 dated 16-1-52.
From the Commissioner Workmen's Compensation letter No.
C3.29346/52 dated 3-1-53

Order:

The following notification will be published in the
Fort St. George Gazette:-

Notification

In pursuance of section 3, sub section (3), of the
Workmen's Compensation Act, 1923 (Central Act VIII of 1923),
the Governor of Madras hereby gives notice of his intention to
add the following description of employment to the employment
specified in part-B of Schedule III to the said Act, and to
specify in the case of the employment so proposed to be
added the following disease which shall be deemed for the
purposes of the said section to be "occupational disease,
namely:-

"Silicosis :- Any process involving exposure
to silica dust during mining
operation under-ground in a mica-
mine."

(By Order of His Excellency the Governor)

J.M.Lobo Prabhu,
Secretary to Government.

To the Superintendent Government Press (for publication
of the notification)
To the Commissioner for Workmen's Compensation.
To the Legal Department, Health Department.
To the Chief Justice.

/True Copy/

Typed by R.R.Chandran.


SUPERINTENDENT.

Examined by R.R.Chandran
Read by S. S. Chitra
12.2.53

Government of Madras
Development Department.

Letter No.46898 P.II/52-9

From

Sri J.M.Lobo Prabhu, I.C.S.,
Secretary to Government.

To

The Secretary to the Government of India,
Ministry of Labour, New Delhi. (with enclosure)

Dated Fort St. George, 13th February 1953.

Sir,

Sub: Act- Workmen's Compensation Act, 1923,
Schedule III- Addition of 'Silicosis'

Ref: Sri Nambiar's letter No.SS.152 (14) dated 28-4-53.

I am directed to refer to the letter cited, and to say that this Government agree with the Government of India that 'Silicosis' may be made a compensatable disease and added to Schedule III to the Workmen's Compensation Act, 1923. A copy of the notification issued by this Government in this regard is enclosed for your information.

As regards the proposal to ^{frame} suitable rules on the lines of 'The Mysore Silicosis Rules', I am to say that so far no rules have been framed for any of the disease specified in schedule III to the Act. Practically no claim for compensation under the Act has come up so far in respect of workmen contracting these diseases. This Government therefore consider that there is no need to frame rules for 'Silicosis' only.

Yours Faithfully,

J.M.Lobo Prabhu,
Secretary to Government.

To the Commission for Workmen's Compensation.

/True Copy/

Typed by R.R.Chandran.

SUPERINTENDENT.

Note 2.6

Development P.II Department.

Subject: Workmen's Compensation Act, 1923 - Occupational diseases -
Schedule III to the Act - Adding of 'Silicosis'

Ref: From the Government of India, Ministry of Labour,
Letter No. SS.152(14) dated 28-4-52.

Issued as Memo No. 46898 P.II/52 da v. dated 23-8-52.

From the C.W.C. letter No. G3. 29846/52 dated 16-10-52.

From the C.W.C. letter No. G3 29846/52 dated 3-1-53.

Schedule III to the workmen's Compensation Act, 1923 contains a list of occupational diseases the contracting of which shall be deemed to be an injury by accident within the meaning of section 3 of the Act., and the workmen affected by these diseases will be eligible for compensation under the Act, 'Silicosis' (dust caused disease of the lungs) has not been included in the above schedule, and the workmen affected by that disease will not be eligible for compensation. The Government of India brought to notice, in April last, the prevalence of Silicosis in the mica mines of Nellore (& Bihar) and stated that as the nature of the mica deposits in Rajasthan & Ajmer were exactly the same as the deposits in these areas, it was reasonable to assume that the disease prevalent there was also a grave hazard. They therefore suggested that 'Silicosis' might be added to schedule III to the Act and made a compensatable disease. They also suggested that suitable rules might be framed on the lines of 'The Mysore Silicosis Rules' for regulating the examination of the victims of this disease and the payment of compensation to them.

2. The Commissioner for Workmen's Compensation who was asked to offer his remarks in consultation with the Collector of Nellore and the D.P.H. has reported that the Collector has stated that 'Silicosis' is not prevalent on a large scale but that its existence in the mining area cannot be denied. The D.P.H. has stated that no survey has been conducted to assess the extent of the incidence and the hazard of the disease. But both the Collector and the D.P.H. are for the

inclusion of the disease in the list of occupational diseases in schedule III. The Commissioner for the reasons shown in para 2 of his letter on p, 7 c.f. has also recommended the inclusion of Silicosis to Schedule III, by way of precaution to safeguard the health of workers. He has since suggested suitable draft amendments to schedule III in consultation with D.P.H. For orders whether the recommendation of the Collector ~~of Nellore~~ of Nellore, D.P.H and the C.W.C. will be accepted, and 'Silicosis' added to schedule III of the W.C.Act.

3. Regarding the desirability of framing a set of rules on the lines of 'the Mysore Silicosis' Rules', the Commissioner has pointed out that so far no rules have been framed for any of the diseases specified in schedule III. It is stated that practically no claim for compensation under the Act has come up so far in respect of workmen contracting these diseases. The Commissioner therefore considers that there is no need to frame rules for 'Silicosis' only. For orders whether the Commissioner's view will be accepted.

Subject to orders, a draft order and a draft letter to the Government of India are submitted for approval.

Health may see for remarks and Legal for scrutiny of the draft order, before

Y.S.
18-1-53.

J.M.L.
19-1-53.

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